

ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

MATTHEW M. YELOVICH (NYBN 4897013)  
Deputy Chief, Criminal Division

ANDREW M. SCOBLE (CABN 124940)  
RICHARD EWENSTEIN (CABN 294649)  
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7249  
FAX: (415) 436-7234  
Email: andrew.scoble@usdoj.gov  
richard.ewenstein@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 18-CR-00119-05 RS
Plaintiff,	)	
v.	)	<b>STIPULATION AND ORDER RE:</b>
	)	<b>RESTITUTION</b>
ORLANDO HERNANDEZ,	)	Restitution Hearing: August 6, 2024 at 9:30 a.m.
Defendant.	)	The Honorable Richard Seeborg

The United States and defendant ORLANDO HERNANDEZ (“Defendant”), by and through their counsel of record, hereby stipulate as follows:

1. On April 8, 2024, Defendant pleaded guilty to Count 15 of the Indictment, alleging a violation of 18 U.S.C. §§ 924(j)(1) and 2.

2. At the sentencing hearing on April 8, 2024, the Court ordered Defendant to a sentence of 156 months in custody, plus five years of supervised release, and deferred the determination of restitution. The restitution hearing date is August 6, 2024, at 9:30 a.m.

3. Restitution is mandatory to victims of violent crime pursuant to 18 U.S.C. § 3663A (MVRA). Specifically, the law provides that a court “shall order . . . restitution” and that this restitution

1 order “shall order restitution to each victim” through the appropriate court mechanism “in the full  
2 amount of the victim’s losses as determined by the court and without consideration of the economic  
3 circumstances of the defendant.” 18 U.S.C. § 3664(f)(1)(A).

4 4. To conserve judicial resources, to bring about a speedy resolution of this matter, and to  
5 avoid further litigation, the parties agree and jointly request that the Court, upon approval of this  
6 Stipulation, may enter an Amended Judgment to order restitution to the individuals and/or entities in the  
7 amounts as set forth below:

8 a. \$15,925.15 in total to M.V., the victim’s next of kin.

9 b. \$5,000 in total to the California Victim Compensation Board (“CalVCB”).

10 The parties stipulate that the above individuals and/or entities qualify as “victims” under the statutes  
11 cited in paragraph 3, *supra*. The United States shall furnish the Clerk’s Office with physical address  
12 information for each individual and/or entity. Restitution payments to CalVCB should be made after the  
13 rest of the restitution total has been paid to M.V. *See* 18 U.S.C. § 3664(j)(1).

14 5. The parties agree that the full amount of special assessment, fine, and restitution is due  
15 immediately in accordance with 18 U.S.C. § 3572(d) and in accordance with the parties’ plea agreement.

16 6. The parties further agree to the following payment schedule:

17 a. During imprisonment, payment of criminal monetary penalties is due at the rate of not  
18 less than \$25 per quarter and payment shall be through the Bureau of Prisons’ Inmate  
19 Financial Responsibility Program.

20 b. Once Defendant is on supervised release, Defendant shall pay restitution in monthly  
21 payments of not less than \$100 or at least 10% of earnings, whichever is greater, to  
22 commence no later than 60 days from the date of this order.

23 7. Notwithstanding any payment schedule set by the court, the United States Attorney’s  
24 Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and  
25 3664(m). The restitution payments shall be made to the Clerk of U.S. District Court, Attention: Finance  
26 Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

27 8. Restitution shall be joint and several as to defendant Hernandez and co-defendants Luis  
28 Cid-Salinas and Weston Venegas. *See* ECF 657, 671.

1           9.       The parties request that the Court issue an Amended Judgment ordering restitution  
2 payable to the individuals and/or entities identified and the terms outlined above.

3                               SO STIPULATED.

4  
5 DATED: August 1, 2024

6                               ISMAIL J. RAMSEY  
7                               United States Attorney

8                               \_\_\_\_\_  
9                               /s/  
10                              RICHARD EWENSTEIN  
11                              Assistant United States Attorney

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
DATED: August 1, 2024

\_\_\_\_\_  
/s/  
HARRIS TABACK  
Attorney for Defendant ORLANDO HERNANDEZ

**ORDER**

ORLANDO HERNANDEZ will pay a total of \$20,925.15 in restitution, in the amounts specified to the individuals and/or entities specified as follows:

a. \$15,925.15 in total to M.V.

b. \$5,000 in total to the California Victim Compensation Board ("CalVCB").

The above individuals/entities qualify as victims pursuant to 18 U.S.C. § 3663A.

The full amount of special assessment, fine, and restitution is due immediately. During imprisonment, payment of criminal monetary penalties is due at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons' Inmate Financial Responsibility Program. Once Defendant is on supervised release, Defendant shall pay restitution in monthly payments of not less than \$100 or at least 10% of earnings, whichever is greater, to commence no later than 60 days from entry of this order.

Notwithstanding any payment schedule set by the court, the United States Attorney's Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and 3664(m). The criminal monetary penalty payments shall be made to the Clerk of U.S. District Court, Attention: Finance Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

The Probation Office shall prepare an amended judgment in accordance with this order. The restitution hearing originally set for August 6, 2024, is hereby vacated.

IT IS SO ORDERED.

DATE: 8/1/2024



HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE